



Merck & Co., Inc.  
P.O. Box 2000  
Rahway, NJ 07065

Patent Department

## Facsimile Cover Sheet

TODAY'S DATE: April 11, 2007

**PLEASE DELIVER THE FOLLOWING MESSAGE TO:**

Examiners Name: D.C. Lambkin

Examiner's fax number: (571) 273-0698

Group number: 1626

**THIS MESSAGE IS FROM:**

Name: David Rubin

Phone No.: (732) 594-2675

Mail Location: RY60-30

Fax No.: (732) 594-4720

RE: Applicants: Chakravarty, et al.

Case No.: 21355Y

Serial No.: 10/799,230

Filed: March 12, 2004

Title: BIARYL SUBSTITUTED TRIAZOLES AS SODIUM  
CHANNEL BLOCKERS

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING COVER): 31

IF YOU DO NOT RECEIVE ALL OF THE PAGES,

PLEASE CALL (732) 594-0516

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile  
transmitted to the Patent and Trademark Office on the  
date shown below:

Kathleen A. Reynolds

Type or print name of person signing certification

Kathleen A. Reynolds  
Signature

April 11, 2007  
Date

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Prasun K. Chakravarty, et al.		
Serial No.:	10/799,230	Case: 21355Y	Art Unit: 1626
Filed:	March 12, 2004		
For:	BIARYL SUBSTITUTED TRIAZOLES AS SODIUM CHANNEL BLOCKERS		Examiner: Lambkin, D. C.

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**REQUEST AND FEE TO DELETE**  
**ORIGINAL ERRONEOUSLY NAMED INVENTORS**  
**IN NON-PROVISIONAL APPLICATION – DECLARATION (37 C.F.R. § 1.48(a))**

Sir:

1. This amendment and request is to correct the incorrect original naming of inventors in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on March 12, 2004.
2. Delete the following previously incorrectly-named inventors:

JAMES P. CAREY  
DOUGLAS E. FRANTZ  
MICHAEL H. KRESS  
DAMIAN WEAVER
3. The following documents are attached:
  - (a) A statement from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
  - (b) A declaration by each of the actual inventors as required by 37 C.F.R. § 1.63 (or as permitted by §§ 1.42, 1.43, OR 1.47). 37 C.F.R. § 1.48(a)(3).
  - (c) The written assent of the assignee Merck & Co., Inc.  
37 C.F.R. § 1.48(a)(5).

Serial No.: 10/799,230  
Case No.: 21355Y  
Page 2

4. Fee Payment (37 C.F.R. § 1.17(i)-\$130.00)

The fee required is paid as follows:

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 13-2755.  
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

Respectfully submitted,

By David Rubin  
David Rubin  
Reg. No. 40,314  
Attorney for Applicants

MERCK & CO., Inc.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-2675

Date: April 11, 2007

I hereby certify that, on the date shown below,  
this correspondence is being facsimile transmitted to  
the Patent and Trademark Office, (571) 273-0698.

Date: 4/11/07

Kathleen Reynolds  
Kathleen Reynolds

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Chakravarty, P.K., et al.	
Serial No.:	10/799,230	Case No.: 21355Y
Filed:	March 12, 2004	
For:	BIARYL SUBSTITUTED TRIAZOLES AS SODIUM CHANNEL BLOCKERS	

Art Unit: 1625

Examiner: D.

Lambkin

The Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

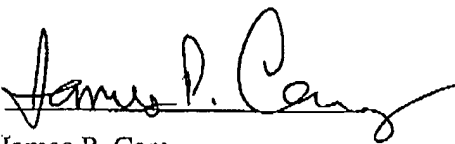
STATEMENT OF JAMES P. CAREY

I, James P. Carey, state that I have reviewed the referenced patent application, and in particular the claims filed with the referenced patent application on March 12, 2004 as well as the claims ultimately allowed on January 25, 2007, as modified by Examiner's amendment of March 9, 2007.

New matter was added to the referenced application prior to filing, including new matter relating to processes for making certain of the claimed compounds. I believe that I was originally included as an inventor, and I signed the original inventors' declaration, because of my contribution to this new matter. However, I recently learned that my contributions to the application were not claimed.

Serial No. 10/799,230  
Case No. 21355YP  
Page 2

THEREFORE, I did not make an inventive contribution to the claimed invention, and I was included as an inventor on the patent application in error. My inclusion as an inventor occurred without any deceptive intention on my part.

By:   
James P. Carey

Date: 3/28/2007

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Chakravarty, P.K., et al.	
Serial No.:	10/799,230	Case No.: 21355Y
Filed:	March 12, 2004	
For:	BIARYL SUBSTITUTED TRIAZOLES AS SODIUM CHANNEL BLOCKERS	

Art Unit: 1625

Examiner: D.

Lambkin

The Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

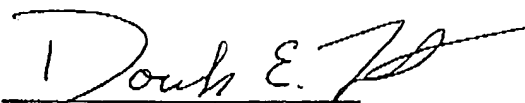
STATEMENT OF DOUGLAS E. FRANTZ

I, Douglas E. Frantz, state that I have reviewed the referenced patent application, and in particular the claims filed with the referenced patent application on March 12, 2004 as well as the claims ultimately allowed on January 25, 2007, as modified by Examiner's amendment of March 9, 2007.

New matter was added to the referenced application prior to filing, including new matter relating to processes for making certain of the claimed compounds. I believe that I was originally included as an inventor, and I signed the original inventors' declaration, because of my contribution to this new matter. However, I recently learned that my contributions to the application were not claimed.

Serial No. 10/799,230  
Case No. 21355YP  
Page 2

THEREFORE, I did not make an inventive contribution to the claimed invention, and I was included as an inventor on the patent application in error. My inclusion as an inventor occurred without any deceptive intention on my part.

By: 

Douglas E. Frantz

Date: March 27, 2007

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Chakravarty, P.K., et al.	
Serial No.:	10/799,230	Case No.: 21355Y
Filed:	March 12, 2004	
For:	BIARYL SUBSTITUTED TRIAZOLES AS SODIUM CHANNEL BLOCKERS	

Art Unit: 1625  
Examiner: D.  
Lambkin

The Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

STATEMENT OF MICHAEL H. KRESS

I, Michael H. Kress, state that I have reviewed the referenced patent application, and in particular the claims filed with the referenced patent application on March 12, 2004 as well as the claims ultimately allowed on January 25, 2007, as modified by Examiner's amendment of March 9, 2007.

New matter was added to the referenced application prior to filing, including new matter relating to processes for making certain of the claimed compounds. I believe that I was originally included as an inventor, and I signed the original inventors' declaration, because of my contribution to this new matter. However, I recently learned that my contributions to the application were not claimed.



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Chakravarty, P.K., et al.		
Serial No.:	10/799,230	Case No.:	21355Y
Filed:	March 12, 2004		Art Unit: 1625
			Examiner: D.
			Lambkin
For:	BIARYL SUBSTITUTED TRIAZOLES AS SODIUM CHANNEL BLOCKERS		

The Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

STATEMENT OF DAMIAN WEAVER

I, Damian Weaver, state that I have reviewed the referenced patent application, and in particular the claims filed with the referenced patent application on March 12, 2004 as well as the claims ultimately allowed on January 25, 2007, as modified by Examiner's amendment of March 9, 2007.

New matter was added to the referenced application prior to filing, including new matter relating to processes for making certain of the claimed compounds. I believe that I was originally included as an inventor, and I signed the original inventors' declaration, because of my contribution to this new matter. However, I recently learned that my contributions to the application were not claimed.

Serial No. 10/799,230  
Case No. 21355YP  
Page 2

THEREFORE, I did not make an inventive contribution to the claimed invention, and I was included as an inventor on the patent application in error. My inclusion as an inventor occurred without any deceptive intention on my part.

By: Damian G. Weaver

Damian Weaver

Date: 29 March 2007

Approved for use through 01/31/2007. OMB 0651-0032  
 SUBSTITUTE for PTO/SB/01 (07-06), DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

<b>DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing <b>OR</b> <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	21355Y
	First Named Inventor	Prasun K. Chakravarty, et al
	<b>COMPLETE IF KNOWN</b>	
	Application Number	10/799,230
	Filing Date	March 12, 2004
	Group Art Unit	1625
	Examiner Name	Deborah C. Lambkin

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BIARYL SUBSTITUTED TRIAZOLES AS SODIUM CHANNEL BLOCKERS**

(Title of the Invention)

the specification of which

☐ bears the Attorney Docket Number and Title of the Invention noted above

OR

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 03/12/2004 as United States Application Number or PCT International

Application Number 10/799,230 and was amended on (MM/DD/YYYY) 03/12/2004 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Attorney Docket Number	Priority Claimed?	
				YES	NO
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(c) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	Attorney Docket Number
60/455,952	03/18/2003	21355PV

Approved for use through 01/31/2007. OMB 0651-0032  
 SUBSTITUTE for PTO/SB/01 (07-06), DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

# DECLARATION AND POWER OF ATTORNEY for Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known to me to be material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Application Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint, respectively and individually, as my attorney(s) or agent(s) with full power of substitution and revocation, the following registered practitioner(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

☒ Practitioners Associated with the Customer Number **000210**  
 OR  
☐ Registered practitioner(s) named below

Name	Registration Number	Name	Registration Number

Direct all correspondence to: ☒ Customer Number **000210**

Name	David Rubin				
Address	Merck & Co., Inc. - Patent Department				
Address	P.O. Box 2000, RY60-30				
City	Rahway	State	NJ	ZIP	07065-0907
Country	USA	Telephone	(732)594-2675	Fax	(732)594-4720

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])		Family Name or Surname			
Prasun K.		Chakravarty			
Inventor's Signature	<i>Prasun K. Chakravarty</i>			Date	April 2, 2007
Residence: City	Edison	State	NJ	Country	US
				Citizenship	US
Mailing Address	Merck & Co., Inc. P.O. Box 2000				
City	Rahway	State	NJ	ZIP	07065-0907
				Country	U.S.A.

☒ Additional inventors are being named on the 1 supplemental Additional Inventors(s) sheet(s) PTO/SB/02A or 02LR attached hereto.

Approved for use through 01/31/2007. OMB 0651-0032  
 SUBSTITUTE for PTO/SB/02A (07-06), Declaration (Additional Inventors)

## DECLARATION AND POWER OF ATTORNEY

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])		Family Name or Surname					
Michael H.		Fisher (deceased)					
Inventor's Signature	Louis L. Zuegner III/Legal Rep. of Michael H. Fisher (deceased)					Date	
Residence: City	Flemington	State	NJ	Country	US	Citizenship	US
Mailing Address	28 Spring Street						
City	Flemington	State	NJ	ZIP	08822	Country	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])		Family Name or Surname					
William H.		Parsons					
Inventor's Signature						Date	
Residence: City	Belle Mead	State	NJ	Country	US	Citizenship	US
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])		Family Name or Surname					
Brenda		Palucki					
Inventor's Signature	<i>Brenda L Palucki</i>					Date	<i>March 29, 2007</i>
Residence: City	Hillsborough	State	NJ	Country	US	Citizenship	US
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])		Family Name or Surname					
Bishan		Zhou					
Inventor's Signature						Date	
Residence: City	Edison	State	NJ	Country	US	Citizenship	People's Republic of China
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.

Approved for use through 01/31/2007. OMB 0651-0032  
 SUBSTITUTE for PTO/SB/02A (07-06), Declaration (Additional Inventors)

## DECLARATION AND POWER OF ATTORNEY

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Min K.				Park			
Inventor's Signature	<i>Min K. Park</i>			Date	3-29-07		
Residence: City	Whippany	State	NJ	Country	US	Citizenship	Korea
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature				Date			
Residence: City		State		Country		Citizenship	
Mailing Address							
City	Rahway	State	NJ	ZIP	07065-0907	Country	
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Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature				Date			
Residence: City		State		Country		Citizenship	
Mailing Address							
City	Rahway	State	NJ	ZIP	07065-0907	Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
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Inventor's Signature				Date			
Residence: City		State		Country		Citizenship	
Mailing Address							
City	Rahway	State	NJ	ZIP	07065-0907	Country	

Approved for use through 01/31/2007. OMB 0651-0032  
 SUBSTITUTE for PTO/SB/01 (07-06), DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

<b>DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing      OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	21355Y
	First Named Inventor	Prasun K. Chakravarty, et al
	<b>COMPLETE IF KNOWN</b>	
	Application Number	10/799,230
	Filing Date	March 12, 2004
	Group Art Unit	1625
	Examiner Name	Deborah C. Lambkin

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BIARYL SUBSTITUTED TRIAZOLES AS SODIUM CHANNEL BLOCKERS**

the specification of which

(Title of the Invention)

☐ bears the Attorney Docket Number and Title of the Invention noted above

OR

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 03/12/2004 as United States Application Number or PCT International

Application Number 10/799,230 and was amended on (MM/DD/YYYY) 03/12/2004 (if applicable).

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I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Attorney Docket Number	Priority Claimed?	
				YES	NO
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(c) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	Attorney Docket Number
60/455,952	03/18/2003	21355PV

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# DECLARATION AND POWER OF ATTORNEY for Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known to me to be material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Application Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint, respectively and individually, as my attorney(s) or agent(s) with full power of substitution and revocation, the following registered practitioner(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

☒ Practitioners Associated with the Customer Number **000210**  
 OR  
☐ Registered practitioner(s) named below

Name	Registration Number	Name	Registration Number

Direct all correspondence to: ☒ Customer Number **000210**

Name	David Rubin				
Address	Merck & Co., Inc. - Patent Department				
Address	P.O. Box 2000, RY60-30				
City	Rahway	State	NJ	ZIP	07065-0907
Country	USA	Telephone	(732)594-2675	Fax	(732)594-4720

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])		Family Name or Surname			
Prasun K.		Chakravarty			
Inventor's Signature				Date	
Residence: City	Edison	State	NJ	Country	US
				Citizenship	US
Mailing Address	Merck & Co., Inc. P.O. Box 2000				
City	Rahway	State	NJ	ZIP	07065-0907
				Country	U.S.A.

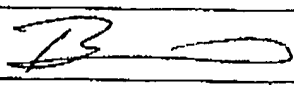
☒ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A or 02LR attached hereto.



Approved for use through 01/31/2007, OMB 0651-0032  
 SUBSTITUTE for PTO/SB/02A (07-06), Declaration (Additional Inventors)

## DECLARATION AND POWER OF ATTORNEY

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Michael H.				Fisher (deceased)			
Inventor's Signature	Louis L. Zuegner III/Legal Rep. of Michael H. Fisher (deceased)			Date			
Residence: City	Flemington	State	NJ	Country	US	Citizenship	US
Mailing Address	28 Spring Street						
City	Flemington	State	NJ	ZIP	08822	Country	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
William H.				Parsons			
Inventor's Signature				Date			
Residence: City	Belle Mead	State	NJ	Country	US	Citizenship	US
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Brenda				Palucki			
Inventor's Signature				Date			
Residence: City	Hillsborough	State	NJ	Country	US	Citizenship	US
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Bishan				Zhou			
Inventor's Signature				Date	03/28/2007		
Residence: City	Edison	State	NJ	Country	US	Citizenship	People's Republic of China
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.

Approved for use through 01/31/2007. OMB 0651-0032  
 SUBSTITUTE for PTO/SB/02A (07-06), Declaration (Additional Inventors)

## DECLARATION AND POWER OF ATTORNEY

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Min K.				Park			
Inventor's Signature						Date	
Residence: City	Whippany	State	NJ	Country	US	Citizenship	Korea
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Mailing Address							
City	Rahway	State	NJ	ZIP	07065-0907	Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Mailing Address							
City	Rahway	State	NJ	ZIP	07065-0907	Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Mailing Address							
City	Rahway	State	NJ	ZIP	07065-0907	Country	

Approved for use through 01/31/2007. OMB 0651-0032  
 SUBSTITUTE for PTO/SB/01 (07-06), DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

<b>DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing      OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (c)) required)	Attorney Docket Number	21355Y
	First Named Inventor	Prasun K. Chakravarty, et al
	<b>COMPLETE IF KNOWN</b>	
	Application Number	10/799,230
	Filing Date	March 12, 2004
	Group Art Unit	1625
	Examiner Name	Deborah C. Lambkin

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BIARYL SUBSTITUTED TRIAZOLES AS SODIUM CHANNEL BLOCKERS**

the specification of which

(Title of the Invention)

☐ bears the Attorney Docket Number and Title of the Invention noted above

OR

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 03/12/2004 as United States Application Number or PCT International

Application Number 10/799,230 and was amended on (MM/DD/YYYY) 03/12/2004 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Attorney Docket Number	Priority Claimed?	
				YES	NO
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	Attorney Docket Number
60/455,952	03/18/2003	21355PV

Approved for use through 01/31/2007. OMB 0651-0032  
 SUBSTITUTE for PTO/SB/01 (07-06), DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

# DECLARATION AND POWER OF ATTORNEY for Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known to me to be material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Application Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint, respectively and individually, as my attorney(s) or agent(s) with full power of substitution and revocation, the following registered practitioner(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

☒ Practitioners Associated with the Customer Number **000210**  
 OR

☐ Registered practitioner(s) named below

Name	Registration Number	Name	Registration Number

Direct all correspondence to: ☒ Customer Number **000210**

Name	David Rubin				
Address	Merck & Co., Inc. - Patent Department				
Address	P.O. Box 2000, RY60-30				
City	Rahway	State	NJ	ZIP	07065-0907
Country	USA	Telephone	(732)594-2675	Fax	(732)594-4720

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])		Family Name or Surname			
Prasun K.		Chakravarty			
Inventor's Signature				Date	
Residence: City	Edison	State	NJ	Country	US
				Citizenship	US
Mailing Address	Merck & Co., Inc. P.O. Box 2000				
City	Rahway	State	NJ	ZIP	07065-0907
				Country	U.S.A.

☒ Additional inventors are being named on the 1 supplemental Additional Inventors(s) sheet(s) PTO/SB/02A or 02LR attached hereto.

Approved for use through 01/31/2007, OMB 0651-0032  
 SUBSTITUTE for PTO/SB/02A (07-05), Declaration (Additional Inventors)

## DECLARATION AND POWER OF ATTORNEY

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Michael H.				Fisher (deceased)			
Inventor's Signature	X Louis L. Zuegner III			Legal Rep. of Michael H. Fisher (deceased)		Date	
Residence: City	Flemington	State	NJ	Country	US	Citizenship	US
Mailing Address	28 Spring Street						
City	Flemington	State	NJ	ZIP	08822	Country	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
William H.				Parsons			
Inventor's Signature				Date			
Residence: City	Belle Mead	State	NJ	Country	US	Citizenship	US
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Brenda				Palucki			
Inventor's Signature				Date			
Residence: City	Hillsborough	State	NJ	Country	US	Citizenship	US
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Bishan				Zhou			
Inventor's Signature				Date			
Residence: City	Edison	State	NJ	Country	US	Citizenship	People's Republic of China
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.

Approved for use through 01/31/2007, OMB 0651-0032  
 SUBSTITUTE for PTO/SB/02A (07-06), Declaration (Additional Inventors)

## DECLARATION AND POWER OF ATTORNEY

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Min K.				Park			
Inventor's Signature						Date	
Residence: City		Whippany		State NJ		Country US	
						Citizenship Korea	
Mailing Address		Merck & Co., Inc. P.O. Box 2000					
City		Rahway		State NJ		ZIP 07065-0907	
						Country U.S.A.	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City				State		Country	
						Citizenship	
Mailing Address							
City		Rahway		State NJ		ZIP 07065-0907	
						Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City				State		Country	
						Citizenship	
Mailing Address							
City		Rahway		State NJ		ZIP 07065-0907	
						Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City				State		Country	
						Citizenship	
Mailing Address							
City		Rahway		State NJ		ZIP 07065-0907	
						Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City				State		Country	
						Citizenship	
Mailing Address							
City		Rahway		State NJ		ZIP 07065-0907	
						Country	

PTO/SB/02LR (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>DECLARATION</b>	<b>LEGAL REPRESENTATIVES (35 U.S.C. 117)</b> Supplemental Sheet Page <u>1</u> of <u>1</u>
--------------------	--

Name of Legal Representative:		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Louis L. Zuegner III / Legal Representative of Michael H. Fisher (Deceased)			
Legal Representative's Signature		Date	
Residence: City	Flemington	State	NJ
		Country	US
Citizenship	US		
Mailing Address 28 Spring Street			
Mailing Address			
City	Flemington	State	NJ
		Zip	08822
		Country	US
Name of Additional Legal Representative, if any:		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Legal Representative's Signature		Date	
Residence: City		State	
		Country	
Citizenship			
Mailing Address			
Mailing Address			
City		State	
		Zip	
		Country	
Name of Additional Legal Representative, if any:		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Legal Representative's Signature		Date	
Residence: City		State	
		Country	
Citizenship			
Mailing Address			
Mailing Address			
City		State	
		Zip	
		Country	

This collection of information is required by 35 U.S.C. 117 and 37 CFR 1.42, 1.43, 1.63 and 1.64(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Approved for use through 01/31/2007. OMB '0651-0032  
 SUBSTITUTE for PTO/SB/01 (07-06), DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

<b>DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing      OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (c)) required)	Attorney Docket Number	21355Y
	First Named Inventor	Prasun K. Chakravarty, et al
	<b>COMPLETE IF KNOWN</b>	
	Application Number	10/799,230
	Filing Date	March 12, 2004
	Group Art Unit	1625
	Examiner Name	Deborah C. Lambkin

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BIARYL SUBSTITUTED TRIAZOLES AS SODIUM CHANNEL BLOCKERS**

the specification of which

(Title of the Invention)

☐ bears the Attorney Docket Number and Title of the Invention noted above

OR

☐ is attached hereto

OR

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Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Attorney Docket Number	Priority Claimed?	
				YES	NO
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	Attorney Docket Number
60/455,952	03/18/2003	21355PV



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U.S. Parent Application or PCT Parent Application Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

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☒ Practitioners Associated with the Customer Number **000210**  
 OR

☐ Registered practitioner(s) named below

Name	Registration Number	Name	Registration Number

Direct all correspondence to: ☒ Customer Number **000210**

Name	David Rubin				
Address	Merck & Co., Inc. - Patent Department				
Address	P.O. Box 2000, RY60-30				
City	Rahway	State	NJ	ZIP	07065-0907
Country	USA	Telephone	(732)594-2675	Fax	(732)594-4720

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor


Given Name (first and middle [if any])		Family Name or Surname			
Prasun K.		Chakravarty			
Inventor's Signature				Date	
Residence: City	Edison	State	NJ	Country	US
				Citizenship	US
Mailing Address	Merck & Co., Inc. P.O. Box 2000				
City	Rahway	State	NJ	ZIP	07065-0907
				Country	U.S.A.

☒ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A or 02LR attached hereto.

Approved for use through 01/31/2007. OMB 0651-0032  
 SUBSTITUTE for PTO/SB/02A (07-06), Declaration (Additional Inventors)

## DECLARATION AND POWER OF ATTORNEY

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Michael H.				Fisher (deceased)			
Inventor's Signature	Louis L. Zuegner III/Legal Rep. of Michael H. Fisher (deceased)			Date			
Residence: City	Flemington	State	NJ	Country	US	Citizenship	US
Mailing Address	28 Spring Street						
City	Flemington	State	NJ	ZIP	08822	Country	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
William H.				Parsons			
Inventor's Signature				Date		04-06-07	
Residence: City	Belle Mead	State	NJ	Country	US	Citizenship	US
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Brenda				Palucki			
Inventor's Signature				Date			
Residence: City	Hillsborough	State	NJ	Country	US	Citizenship	US
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Bishan				Zhou			
Inventor's Signature				Date			
Residence: City	Edison	State	NJ	Country	US	Citizenship	People's Republic of China
Mailing Address	Merck & Co., Inc. P.O. Box 2000						
City	Rahway	State	NJ	ZIP	07065-0907	Country	U.S.A.

Approved for use through 01/31/2007. OMB 0651-0032  
 SUBSTITUTE for PTO/SB/02A (07-06), Declaration (Additional Inventors)

## DECLARATION AND POWER OF ATTORNEY

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Min K.				Park			
Inventor's Signature						Date	
Residence: City		Whippany		State NJ		Country US	
						Citizenship Korea	
Mailing Address		Merck & Co., Inc. P.O. Box 2000					
City		Rahway		State NJ		ZIP 07065-0907	
						Country U.S.A.	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City				State		Country	
						Citizenship	
Mailing Address							
City		Rahway		State NJ		ZIP 07065-0907	
						Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City				State		Country	
						Citizenship	
Mailing Address							
City		Rahway		State NJ		ZIP 07065-0907	
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Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
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Inventor's Signature						Date	
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Mailing Address							
City		Rahway		State NJ		ZIP 07065-0907	
						Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City				State		Country	
						Citizenship	
Mailing Address							
City		Rahway		State NJ		ZIP 07065-0907	
						Country	

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Prasun K. Chakravarty, et al.	
Serial No.:	10/799,230	Case: 21355Y
Filed:	March 12, 2004	
For:	BIARYL SUBSTITUTED TRIAZOLES AS SODIUM CHANNEL BLOCKERS	

Art Unit:

1626

Examiner:

Lambkin, D. C.

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

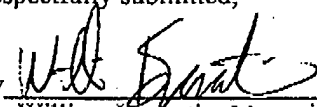
**CONSENT OF ASSIGNEE MERCK & CO., INC.**  
**TO DELETE INVENTORS JAMES P. CAREY, DOUGLAS E. FRANTZ,**  
**MICHAEL H. KRESS AND DAMIAN WEAVER**

Sir:

1. I, William Krovatin, am employed at Merck & Co., Inc. ("Merck"), having the title Managing Counsel within the Office of the General Counsel, Patent Department.
2. I am authorized to execute declarations and other documents relating to prosecution of U.S. patent applications on behalf of Merck (see General Corporate Resolution #5, "Patent Matters", attached). Specifically, I am authorized to execute this "Consent" on behalf of Merck.
3. Merck consents to the deletion of JAMES P. CAREY, DOUGLAS E. FRANTZ, MICHAEL H. KRESS and DAMIAN WEAVER as inventors on the captioned patent application.

Respectfully submitted,

By



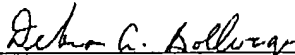
William Krovatin, Managing Counsel  
On behalf of Merck & Co., Inc.

Date: April 11, 2007

MERCK & CO., INC.  
CERTIFICATION

I, Debra A. Bollwage, Senior Assistant Secretary of Merck & Co., Inc. (the "Company"), a corporation duly organized and existing under the laws of the State of New Jersey, United States of America, do hereby certify that the attached, presently in full force and effect, is a true and correct copy of General Corporate Resolution #5, Patent Matters, as amended on October 24, 2006 by the Board of Directors of said Company at a meeting thereof duly called and held on October 24, 2006 at which a quorum of Directors was present.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and affixed the seal of the Company this 23<sup>rd</sup> day of January 2007.

  
Senior Assistant Secretary

(SEAL)

s/certifications

Page 1 of 1  
Amended 10/24/06

## General Corporate Resolution #5

### PATENT MATTERS

RESOLVED, that any of the following:

Richard T. Clark-Chief Executive Officer and President  
Kenneth C. Frazier-Senior Vice President and General Counsel  
Joseph F. DiPrima-Vice President and Assistant General Counsel  
Paul D. Matukaitis-Vice President and Assistant General Counsel  
William Krovatin-Counsel, IP Litigation  
Edward W. Murray-Counsel, IP Litigation  
Charles M. Caruso-Counsel, International  
Valerie J. Camara-Counsel, Patents  
Mark R. Daniel-Counsel, Patents  
Joanne M. Giesser-Counsel, Patents  
Anthony Rollins-Counsel, European Patents  
David L. Rose-Counsel, Patents  
Jack L. Tribble-Counsel, Patents  
Melvin Winokur-Counsel, Patents  
Edward M. Yoshida-Counsel, Rosetta Inpharmatics  
John Oksinski-Executive Director, Banyu  
Kenichi Osawa-Director, Banyu Patent and Trademark Group  
Donna L. Margiotto-Senior Manager, Patent Administration

are authorized to execute and to revoke on behalf of Merck & Co., Inc. and its affiliates (including subsidiaries) the following documents relating to patent matters:

Powers of attorney as fully in law as may be necessary and proper in connection with the acquisition, registration, maintenance and enforcement of patents and applications for patents, including powers of attorney relating to the prosecution or defense of patent rights before courts of law or other governmental tribunals, agencies or departments; affidavits and declarations; and any other documents which are necessary and proper for the acquisition, registration, maintenance, litigation and protection of patents.

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THEREFORE, I did not make an inventive contribution to the claimed invention, and I was included as an inventor on the patent application in error. My inclusion as an inventor occurred without any deceptive intention on my part.

By:   
Michael H. Kress

Date: 4 April 2007